



Department of Justice

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FACT SHEET NICS OPERATIONS 2001-2002

Preventing Felons and Other Disqualified People from Obtaining Guns from Gun Dealers

- The NICS background check system was established in November 1998 to ensure that those seeking to buy guns from gun dealers are not criminals or other persons prohibited by law from possessing firearms.
- The NICS processed 8.9 million checks in 2001 and 8.4 million checks in 2002, resulting in 125,000 denials in 2001 and 121,000 denials in 2002.
- 36 million NICS checks have been done by the FBI and Point of Contact (POC) states from the inception of the NICS on 11/30/98 through 12/31/02, resulting in more than 563,000 denials.

The Creation of an "Instant" Check System for Gun Sales

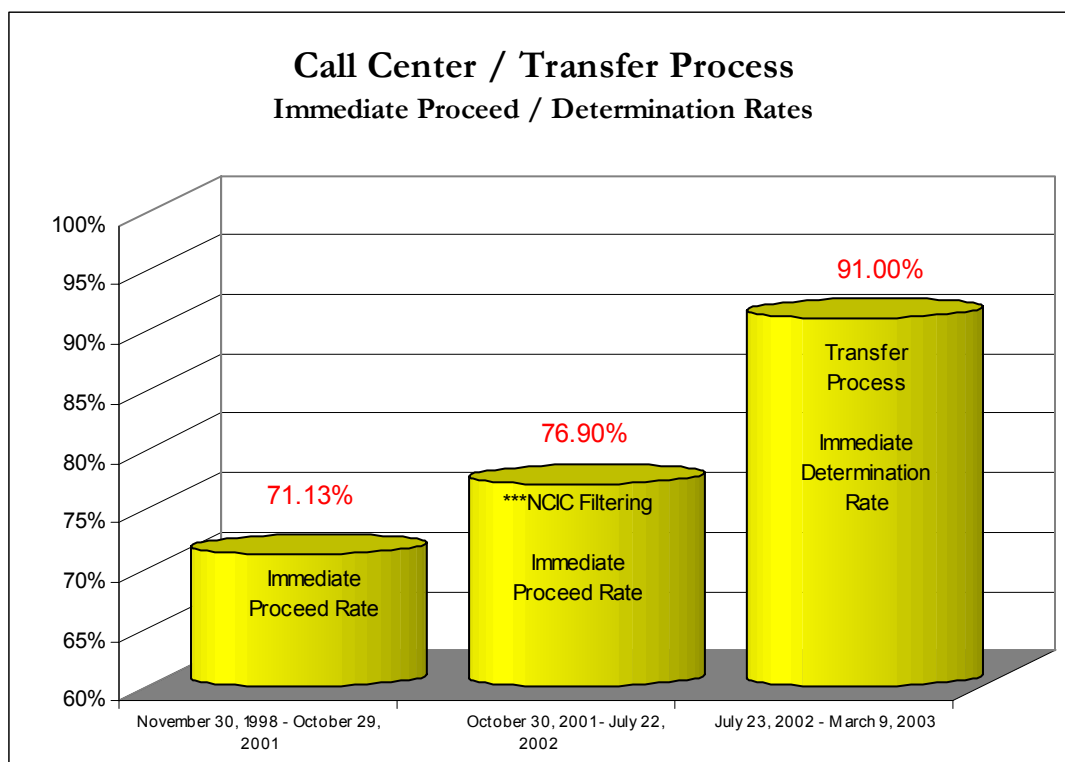
- The Brady Act passed nearly 10 years ago directed the Attorney General to establish a background check system that gun dealers could contact for information, "to be supplied immediately," on whether a prospective gun buyer is prohibited by law from possessing a firearm.
- The NICS was originally designed in the 1990's so that calls by gun dealers would get a "proceed" response immediately if the system did not match a record to the name submitted for the check. All other calls were "delayed" and placed in a "delay queue," until an FBI examiner could review the records and return the call to the gun dealer with a final determination of "proceed" or denied."
- Under this process, the NICS had a 71 percent immediate proceed rate (checks for which immediate "proceed" responses are given because there are no matching records). The remaining 29 percent of the calls were "delayed."

Taking Steps to Make NICS Checks Faster

- In June 2001, Attorney General John Ashcroft directed the FBI to take steps to increase the number of NICS checks in which a delay response is not necessary. The FBI was to ensure that the steps taken were consistent with maintaining the accuracy of NICS determinations and preserving the security and confidentiality of the information in the databases checked by the NICS.
- In response to this directive, in September 2001, the FBI implemented an improved process for filtering records returned to the NICS by the National Crime Information Center (NCIC) in order to decrease the number of false record matches, or "hits." The

improved NCIC filtering process increased the immediate proceed rate from 71 to 77 percent.

- In February 2002, Attorney General John Ashcroft directed the FBI to implement the “Transfer Process,” a new procedure in which calls are immediately transferred to a NICS examiner whenever there is a hit on a record. This allows the examiner to review the record while the dealer is still on the telephone and, where possible, provide an immediate response of “proceed” or “denied.” The implementation of the transfer process in July 2002 resulted in an increase of this immediate determination rate from 77 to 91 percent. Now, only 9 percent of NICS checks processed by the FBI NICS Section are delayed.
- The following graph shows the progress made in the last two years on increasing the number of NICS checks in which there is an immediate response to the gun dealer:



- Through the National Criminal History Improvement Program (NCHIP), the Department of Justice continues its efforts to reduce the remaining 9 percent of NICS transactions that are delayed by seeking to improve the completeness of records of criminal history dispositions at both the state and national level. Incomplete records of dispositions of arrests for disqualifying charges is the primary reason for delayed NICS checks, since the system must manually search for the missing disposition before providing a final response to a dealer on whether the person is prohibited. Since 1995, NCHIP has provided nearly \$400 million to the states to improve their record systems in many different ways. The Department of Justice will distribute another \$48 million in NCHIP funds to the states in fiscal year 2003.